

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

EUGENE C. THORNE, JR.,	:	
Plaintiff,	:	
v.	:	3:CV-17-00939
C/O HAMMER and SGT. CRYDER,	:	(Judge Mannion)
	:	
Defendants.	:	(Magistrate Judge Arbuckle)

ORDER

NOW, this 9th day of July, 2020, upon review of the Report and Recommendation of Magistrate Judge William I. Arbuckle (Doc. 52) for plain error or manifest injustice, **IT IS HEREBY ORDERED** that:

- (1) The Report and Recommendation (Doc. 52) is **ADOPTED**.
- (2) Defendants' Motion to Dismiss Plaintiff's Amended Complaint (Doc. 46) is **GRANTED** in part and **DENIED** in part:
 - (a) Defendants' Motion to Dismiss Plaintiff's claim of excessive force regarding Defendants' verbal harassment is **GRANTED**.

(b) Defendants' Motion to Dismiss Plaintiff's claim of excessive force regarding Defendant Cryder placing a knee into the back of his leg is **GRANTED**.

(c) Defendants' Motion to Dismiss Plaintiff's Amended Complaint in all other respects is **DENIED**.

(5) The matter is **RECOMMENDED** to Magistrate Judge Arbuckle for further proceedings.

s/ Malachy E. Mannion

Malachy E. Mannion
United States District Judge

Dated: July 9, 2020

17-939-01-order